

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LIONEL WHITE,
Plaintiff;

v.

UNITED STATES of AMERICA,
Defendant.

NO.

COMPLAINT FOR PERSONAL
INJURIES

COMES NOW the Plaintiff LIONEL WHITE, by and through his attorney of record, C. Steven Fury and states:

I. PARTIES

1.1 Plaintiff Lionel White resides in Gig Harbor, Washington.

1.2 Defendant is the United States of America.

II. VENUE

2.1 The events forming the basis of this action took place at the Puget Sound Naval Shipyard located in Bremerton, Kitsap County, Washington.

2.2 The Plaintiff resides in Gig Harbor, Pierce County, Washington.

2.3 Pursuant to 28 U.S.C. § 1402(b), this court is the appropriate venue for this action.

III. JURISDICTION

3.1 This action is filed under the Federal Tort Claims Act. The court has subject matter jurisdiction under 28 U.S.C. § 1346(b).

Complaint ~ 1

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IV. ADMINISTRATIVE CLAIM

4.1 On or about May 19, 2010, Plaintiff filed an administrative law claim pursuant to 28 U.S.C. § 2675 with the Navy Judge Advocate General, the Commander of the Puget Sound Naval Shipyard, and the Naval Legal Service Office Mid-Atlantic. The Department of the Navy gave notice on June 29, 2011 that the claim was denied.

V. FACTS

5.1 On December 15, 2008, Plaintiff Lionel White was employed by AMSEC LLC as a ship fitter/sheet metal worker servicing a naval vessel at the Puget Sound Naval Shipyard ("PSNS"), located in Bremerton, Kitsap County, Washington.

5.2 On that same date, at approximately 6:00 AM, Plaintiff was on board a United States Navy ship, located in dry dock six of PSNS, to receive his daily work assignment. Plaintiff was assigned as a fire watch for safety purposes.

5.3 Plaintiff left the ship from a gangway and walked south to a conex container box at the end of the dry dock wall where he retrieved a full sized, portable fire extinguisher as part of his assigned duties.

5.4 The sun had not yet risen and the lighting in the area was poor and inadequate.

5.5 Plaintiff walked north alongside a set of steel tracks that run parallel to the dry dock carrying the fire extinguisher to return to the ship. When Plaintiff was close to the gangway, he tripped on a piece of metal rod protruding from the walking surface.

5.6 Plaintiff fell, landing on his right side with his right arm striking one of the metal tracks.

1 5.7 The metal rod was approximately $\frac{1}{4}$ inch in diameter and was
2 protruding approximately $\frac{3}{4}$ inch above the walking surface. The piece of rod
3 presented a dangerous tripping hazard in the walking surface.

4 5.8 At all times material hereto, Defendant United States was responsible
5 for providing and maintaining a safe, and healthful workplace free from
6 recognized hazards that are causing, or are likely to cause, death or serious
7 physical harm to employees.

8 5.7 Defendant United States was negligent for failure to provide and
9 maintain a safe workplace, including, but not limited to failing to remove the
10 protruding metal rod from the walking surface that created a dangerous condition,
11 failing to warn of the hazardous tripping condition in the walking surface and
12 failing to provide adequate lighting.

13 5.8 Defendant's negligence proximately caused Plaintiff to trip and fall
14 on December 15, 2008, and suffer injuries and damages.

15 **VI. INJURIES AND DAMAGES**

16 6.1 As a direct and proximate result of Defendant's negligence, Plaintiff
17 Lionel White suffered personal injuries. These injuries include, but are not limited
18 to, a large full thickness rotator cuff tear in the right shoulder, and contusions to
19 his right lateral hip, right elbow, and bilateral knees. The full extent of these
20 injuries has not yet been fully determined.

21 6.2 As a direct and proximate result of Defendant's negligence, Plaintiff
22 Lionel White has incurred medical expenses, and suffered pain, anguish,
23 disability, loss of earnings, loss of earning capacity, and loss of ability to enjoy
24 life. He will continue to suffer such damages into the future.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant for the following relief:

1. Special damages to be proven at trial;
2. General damages to be proven at trial, stated for the purposes of this pleading and in keeping with the allegation made in the administrative claim filed pursuant to 28 U.S.C. § 2675, shall not be in excess of \$1,000,000;
3. Attorney's fees and costs; and
4. For such other relief as justice and equity may require.

DATED this 14th day of July, 2011.

FURY BAILEY, PS

/s C. Steven Fury
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